

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABEL SORIANO-MACLIN,

Petitioner,

v.

NATHALIE R. ASHER, et al.,

Respondents.

Case No. C14-209 JCC-BAT

**REPORT AND
RECOMMENDATION**

Petitioner is a citizen of Honduras, who is currently being detained without bond at the Northwest Detention Center in Tacoma. Dkt. 1 at ¶ 2.1. Through counsel, petitioner filed a habeas corpus petition pursuant to 28 U.S.C. § 2241, asking the Court to direct the Tacoma Immigration Court to provide him with a new bond redetermination hearing or to release him. *Id.* at 11-12. Along with his habeas petition, petitioner filed a motion for preliminary injunction. Dkt. 2. The Court directed that respondents be served and that respondents file a return as provided in 28 U.S.C. § 2243, explaining why the Court should not grant the petition. Dkt. 3.

In lieu of respondents filing a return, the parties have filed a joint stipulation that petitioner will be given a bond hearing before an immigration judge under 8 U.S.C. § 1226(a). Dkt. 10 at 1. The parties ask the Court to issue an order instructing the Executive Office for Immigration Review (“EOIR”) to hold the bond hearing under § 1226(a) no later than thirty (30)

1 days from entry of the Court's order. *Id.* The parties further stipulate that upon the Court's order
2 to hold the bond hearing, this action should be voluntarily dismissed. *Id.*

3 Based on the parties' stipulation, the Court recommends entering an Order (1) directing
4 EOIR to hold a bond hearing for petitioner pursuant to 8 U.S.C. § 1226(a), no later than thirty
5 (30) days from the entry of the Order; (2) denying as moot the pending motion for preliminary
6 injunction, Dkt. 2; and (3) voluntarily dismissing this action. A proposed order accompanies this
7 Report and Recommendation.

8 The Clerk should note the matter for March 6, 2014, as ready for the District Judge's
9 consideration.

10 DATED this 6th day of March, 2014.

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BRIAN A. TSUCHIDA
United States Magistrate Judge
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